

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
 54111 BROUGHTON ROAD
 MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
 DEAN AUSILIO, VICE-CHAIRMAN
 MICHAEL D. KOEHS, SECRETARY
MEMBERS: CHARLES OLIVER
 JOA PENZIEN
 ARNOLD THOEL
 DEBORAH ZOLNOSKI

ABSENT: NONE

ALSO PRESENT: Larry Dloski, Township Attorney
 Jerome R. Schmeiser, Community Planning Consultant
 (Additional attendance on file with Clerk)

Call Meeting to Order

Chairman GALLAGHER called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by PENZIEN seconded by THOEL to approve the agenda as presented.

MOTION carried.

3. Approval of the January 4th, 2005 previous Meeting Minutes

MOTION by AUSILIO seconded by PENZIEN to approve the January 4th, 2005 previous meeting minutes with the revision to correct the second motion related to closing the nominations for Vice-Chairman. The motion appears to be moved by Member Dean Ausilio and supported by Member Joa Penzien. This motion must be corrected to reflect that Clerk Michael D. Koehs made the motion and Member Joa Penzien supported this motion.

MOTION carried.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

4. **CONSENT AGENDA ITEM:**

- a. Recommend Approval; Extension of Time; Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); Permanent Parcel No. 08-24-276-003 (Extend to February 25, 2006)

MOTION by THOEL seconded by KOEHS to forward the recommendation to the Township Board of Trustees to approve the Extension of Time; Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); from January 25, 2005 to January 25, 2006. Permanent Parcel No. 08-24-276-003.

MOTION carried.

AGENDA ITEMS:

5. **Revised Tentative Preliminary Plat; Portofino Villas Subdivision (40 Lots);**
Located on the west side of Card Road ½ mile north of 23 Mile Road. Portofino Villa, LLC, Petitioner. Permanent Parcel No. 08-15-426-004 & 005

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Andrew Coden

Public Portion: None

MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; Portofino Villas Subdivision (40 Lots); Permanent Parcel No. 08-15-426-004 & 005 pursuant to the terms and conditions of the Consent Judgment letter received from the Township Attorney dated January 19, 2005 as follows:

“On January 18, 2005, the planning commission approved the plat for the above-referenced subdivision. The property is subject to the terms and conditions of a consent judgment.

The consent authorized the division of four (4) parcels fronting on Card Road. Furthermore, the consent judgment provides as follows, regarding the four (4) Card Road home sites:

An interconnected eight (8) foot wide pedestrian pathway adjacent to each one of the Card Road home sites, shall be constructed in the Card Road right-of-way prior to the issuance of a final certificate of occupancy for the home constructed on the applicable Card Road home site. A surety bond shall be posted by Plaintiff, Portofino Villas, LLC in the amount estimated to be the cost of constructing the pedestrian pathway as determined by the

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

Township of Macomb consulting engineer which guarantees construction of the pedestrian pathway. The bond shall be posted with the Township at the time the first phase of the proposed Portofino Villas Subdivision is constructed.

As set forth above, the Township consulting engineers must estimate the cost for construction of the eight (8) foot wide pedestrian pathway across the Card Road parcels. Additionally, the engineers should determine whether the Township has existing right-of-way in which to construct the eight (8) foot pedestrian pathway. If the Township does not have the right-of-way, the developers must dedicate the right-of-way for the pathway and Card Road master plan width to the Township. The Township's consulting engineers should write the description of the property which the developers must dedicate, if applicable."

This motion is based on the Planning Consultants recommendations as follows:

- 1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;**
 - a. Macomb County Road Commission**
 - b. Office of Public Works Commission of Macomb County**
 - c. Macomb County Health Department**
 - d. Macomb County Planning Commission**
 - e. Michigan Department of Environmental Quality**
 - f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been met.**
- 5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

6. **Flood Plain Map Amendments and/or Requirements.** Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
8. That a bond in an amount to be determined by the Township Engineer based upon estimates submitted by the landscape architect for the proprietor be posted assuring the development of the "landscape easement". The "landscape easement" is that area to be labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat
9. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.
10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after the final preliminary plat approval by the Township Board.
11. That the petitioner submits 2 copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.
12. That the "20 ft. common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Ordinance of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan. The 20 foot easement cannot be planted with any trees that exceed 15 feet at full maturity. The following is a list of plant materials suggested by Detroit Edison: Burning bush, Forsythia, Common Lilac Dwarf, Dwarf Hinoki, False Cypress, Arborvitae and Rhododendron. The plan as submitted meets the intention of Detroit Edison and the Township.

13. That the petitioner understands that if the property involved in this application are not yet split or combined into a single parcel, than an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

The conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.

MOTION carried.

6. **Ground Sign;TCF Bank;** Located on the southeast corner of 23 Mile Road and Card Road. Beacon Sign Company, Petitioner. Permanent Parcel No. 08-23-100-028

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

Petitioner Present: Name was not stated

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to approve the Ground Sign for TCF Bank Permanent Parcel No. 08-23-100-028. This motion is based on the Planning Consultants recommendations as follows:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. All necessary permits *must* be obtained from the Building Department prior to any sign construction.
3. That the ground sign surface area of one side of the sign be limited to 64 square feet
4. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.

MOTION carried.

7. **Final Preliminary Plat; Lone Star Estates Subdivision (15 lots);** Located on the west side of Card Road approximately 686' north of 22 Mile Road. Polson Land Development, Petitioner. Permanent Parcel No. 08-22-400-016

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Jim Grosser

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Lone Star Estates Subdivision (15 lots); Permanent Parcel No. 08-22-400-016. This motion is based on the Planning Consultants recommendations as follows:

1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

- d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected.**
 - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
- 2. **The Township Engineer approves all engineering plans for the computed plat.**
 - 3. **That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
 - 4. **Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
 - 5. **That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
 - 6. **Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
 - 7. **That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
 - 8. **That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreages, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
 - 9. **That the ‘landscape easement’; that area labeled on the plat as, “The entire common area is subject to a private easement dedicated to the ownership association for landscaping” has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

been developed in accordance with the approved landscaping plan and the bond released by the Township Board.

10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by the Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. The items must be completed prior to the Developer applying for approval of the Final Plat.
16. That the landscape plan be revised indicating the proper setbacks along Card Road. The signs must be shown 10 feet from Card Road and 15 feet from the side street. These items must be noted on a revised landscape plan and submitted prior to the developer applying for approval of the final plat.
17. That the petitioner understands that if the property involved in this application are not yet split or combined into a single parcel, than an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

The conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

MOTION carried.

8. **Site Plan; Victory Nissan Macomb;** Located on the north side of Hall Road approximately 946.95' west of Fairchild Road. Jeffrey Cappel, Petitioner. Permanent Parcel No. 08-36-377- 010 & (part of) 08-36-451-005

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Gary Longrosch, Joel Pasqual and John Wright

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to approve the Site Plan; Victory Nissan Macomb; pursuant to the recommendation of the Planning Consultant specifically finding that because of the close proximity of residential neighborhoods to the subject parcels, outdoor speakers would be a nuisance to the peace and tranquility of said neighborhoods. Therefore, absolutely no outdoor speakers or amplification of sound shall be allowed on this property. Permanent Parcel No. 08-36-377- 010 & (part of) 08-36-451-005. The Planning Consultants recommendations are as follows:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by-pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount to be approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

Plan” will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.

- 10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).**
- 11. That all signs be designated on the site plan and meet the Township requirements.**
- 12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.**
- 13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**
- 14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.**
- 15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.**
- 16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.**
- 17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.**
- 18. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.**

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

19. That in the case of commercial zones, outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. Since the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no light or glare from lights will shine into the abutting residential areas.
24. That the signs are not part of this approval.
25. Although the site plan meets the requirements of the zoning ordinance with respect to setbacks have been met, the consultant feels that the petitioner should be apprised of the fact that any noise emitted from the proposed dealership must not be of such a nature that will be a disturbance to any abutting residential properties. This would include noise from within the building emitted through the vehicle doors, horns, tires, or engines from within or outside the building.
26. There shall be not outdoor speaker units anywhere on the site. Any indoor speaker units shall be set up so that sound from said speakers is contained within the building(s) on site. Any sound from indoor speakers including announcements, music or paging shall not carry beyond a 100' space radius of the building.
27. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

of the Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

Based on the approval granted by the Township Planning Commission on January 18, 2005, your final engineering plans may be submitted to the Township Water and Sewer Department.

Upon receipt of the following the Building Department and Water/Sewer Department will be notified that construction and building permits may be issued:

- **Notification from the Township Consulting Engineer that the engineering plans have been approved.**
- **That the required bond as indicated in item no. 8 above has been posted.**

A site plan approval shall be valid for one year after the date of approval. If a valid building permit has not been obtained and construction started within one (1) year from the Planning Commission approval of January 18, 2005, the approval becomes null and void unless renewed or extended by a specific Planning Commission action. If approval is not extended before January 18, 2006, then a new application and a new approval shall be required before a building permit may be issued.

MOTION carried.

9. **Land Division Variance; Wellington Subdivision;** Located on the south side of 24 Mile Road approximately 1¼ miles east of Romeo Plank Road. Elro Corporation, Petitioner. Permanent Parcel No. 08-16-100-021.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Daniel S. Spatafora, Harry Terbrueggen and Richard Schoenherr of Elro Corporation.

Public Portion: None

MOTION by KOEHS seconded by ZOLNOSKI to forward the recommendation to the Township Board of Trustees to approve the Land Division Variance; Wellington Subdivision; Section 17-138 - be varied to allow the following block groupings to

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

exceed the maximum length of 1, 320 feet: Lots 5-32 on the west side of Wellington Valley Drive; Lots 33-56 on the east side of Wellington Valley Drive; Lots 108,109,143,144,145 & 146 on the north side of Claridge and Lots 110-121 on the west side of Candlestick Drive. This motion is based on the Planning Consultants recommendations as follows:

It is recommended that variance request for the Wellington Subdivision be approved because of the location of the Kruth Drain and the existing Westwood Estates Subdivision.

MOTION carried.

10. **Tentative Preliminary Plat; Wellington Subdivision (146 lots);** Located on the south side of 24 Mile Road approximately 1 ¼ miles east of Romeo Plank Road. Elro Corporation, Petitioner. Permanent Parcel No. 08-16-100-021
Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Daniel S. Spatafora, Harry Terbrueggen and Richard Schoenherr of Elro Corporation.

Public Portion: None

MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; Wellington Subdivision (146 lots); Permanent Parcel No. 08-16-100-021. This motion is based on the Planning Consultants recommendations as follows:

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.
2. The Township Engineer approves all engineering plans for the computed plat.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.
6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior the issuance of any building permits.
7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
8. That a bond in the amount to be determined by the Township Engineer based on estimates submitted by the landscape architect for the proprietor be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the platy as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.
9. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.
10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after the final preliminary plat approval by the Township Board.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

11. That the petitioner submits 2 copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.
12. All issues relating to lot size and shape as noted above for lots 54, 71, and 74 must be resolved prior to the application for Final Preliminary Plat. The lots as noted above must be either redesigned, eliminated/combined with other lots or receive a variance from the Township Zoning Board of Appeals.
13. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of the Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

14. That the "20' common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Act of Macomb Township. A plan for the area must be prepared, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.

If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.

MOTION carried.

11. **Land Division Variance; Stillwater Crossing Subdivision;** Located approximately 1 mile east of North Avenue from 23 and 24 Mile Roads. Elro Corporation, Petitioner. Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Daniel S. Spatafora, Harry Terbrueggen and Richard Schoenherr of Elro Corporation.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Land Division Variance; Stillwater Crossing Subdivision; Section 17-138(c) be varied allowing long blocks to be created affecting the following series or groupings of lots: Lots 1-52 on the west perimeter and northeast Water Town Drive; Lots 52-65; 269-279; 179-195; 132-139, and 394-407 along the east property line; Lots 410-430 on the south side of Rivulet Drive between Grovemont and Water Town Drive. That Section 17-138(b) be varied to allow for short block length including lots 502-511. Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014. This motion is based on the Planning Consultants recommendations as follows:

The following recommendations are submitted relating to the request for variances to the Land Division Ordinance as discussed above:

- a. **With respect to both the long and the short block lengths it is recommended that the variances be granted. The combination of the need to provide stub streets to the east and west in close proximity to 24 Mile Road resulted in the creation of a short block involving lots 502-511. The location of the Hart Drain and the school site resulted in the need to create the long blocks as requested.**
- b. **With respect to the requirement for stub streets to the east the consultant cannot recommend any variances for stub street relief without a determination from Chesterfield Township as to how the lack of stub streets would affect local street circulation since the abutting properties are zoned and planned for residential purposes.**

MOTION carried.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

MOTION by KOEHS seconded by ZOLNOSKI to forward the recommendation to the Township Board of Trustees to approve the Land Division Variance; Stillwater Crossing Subdivision; That Section 17-132(d) be varied to eliminate the stub streets along the east side of the plat that borders Chesterfield Township. Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014. This motion is based on the Planning Consultants recommendations are as follows:

The following recommendations are submitted relating to the request for variances to the Land Division Ordinance as discussed above:

- a. With respect to both the long and the short block lengths it is recommended that the variances be granted. The combination of the need to provide stub streets to the east and west in close proximity to 24 Mile Road resulted in the creation of a short block involving lots 502-511. The location of the Hart Drain and the school site resulted in the need to create the long blocks as requested.**
- b. With respect to the requirement for stub streets to the east the consultant cannot recommend any variances for stub street relief without a determination from Chesterfield Township as to how the lack of stub streets would affect local street circulation since the abutting properties are zoned and planned for residential purposes.**

MOTION carried.

- 12. Tentative Preliminary Plat; Stillwater Crossing Subdivision (512 lots);**
Located approximately 1 mile east of North Avenue from 23 and 24 Mile Roads.
Elro Corporation, Petitioner. Permanent Parcel Nos. 08-13-200-014, 017, 018,
019 & 08-13-400-014.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Daniel S. Spatafora, Harry Terbrueggen and Richard Schoenherr of Elro Corporation.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; Stillwater Crossing Subdivision (512 lots); Permanent Parcel Nos. 08-13-200-014, 017, 018, 019 & 08-13-400-014 pursuant to the Planning Consultants recommendations and conditioned on ½ of the funds be submitted for the paving of 24 Mile Road. This motion is based on the Planning Consultants recommendations as follows:

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval shall be incorporated into the Final Preliminary Plat.
5. That all public street drain crossings within the boundaries of the Tentative Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.
6. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinances.
7. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

9. That the “20 ft. common area for landscaping purposes” be developed in accordance with the provisions of the Land Division Ordinance of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.
10. That a bond in an amount determined by the Township Consulting Engineer be posted assuring the development of the ‘Landscape Easement.’ The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.
11. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.
12. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits two (2) copies of the plat to the Supervisors office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
13. That the petitioner submits two (2) copies of the restrictive covenants that will be recorded with the plat. Said covenants must include an article to provide the perpetual maintenance of all limited common that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.
14. If a ‘phasing plan’ has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.
15. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor’s Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

MOTION carried.

PLANNING CONSULTANTS COMMENTS: None

PLANNING COMMISSION COMMENTS:

Clerk KOEHS informed the Members of the Commission that during the meeting he became a Grandfather to Madeline Page, 9.6 lbs and twenty-two inches.

13. Motion to receive and file all correspondence in connection with this agenda.

MOTION by AUSILIO seconded by KOEHS to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT:

MOTION by PENZIEN seconded by ZOLNOSKI to adjourn the meeting at 9:23 P.M.

MOTION carried.

MACOMB TOWNSHIP PLANNING COMMISSION
MINUTES MEETING AND PUBLIC HEARING
HELD TUESDAY, JANUARY 18TH, 2005

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb